

REMARKS

By this Amendment, claims 20, 22 and 35-38 are amended and claims 1-3, 9 and 11-17 are canceled without prejudice or disclaimer. Reconsideration and allowance of the present application is respectfully requested.

**Claims Rejections Under 35 U.S.C. § 112, First Paragraph**

Claims 20-23, 30, and 32-38 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. The Office Action states that the claims contain subject matter which is not described in the specification. More specifically, the Office Action points out the following limitations.

(1) Claims 20 and 22 contain the limitation of “having a homogeneous composition throughout a whole thickness of said thin metal film.”

(2) Claims 20 and 22 contain the limitation of a “single” target.

(3) Claims 35-38 contain the limitation of “or more.”

In this Amendment:

(1) The limitation of “having a homogeneous composition throughout a whole thickness of said thin metal film” is deleted from claims 20 and 22.

(2) The limitation of “single” is deleted from claims 20 and 22.

(3) The limitation of “or more” is deleted from claims 35-38.

The Office Action also questions whether support for the sintered target containing 20-50% by weight of titanium and 80-50% by weight of aluminum exists in the original specification. The original specification (page 8, line 12) discloses a titanium alloy containing 20-80% by weight of titanium. The original specification (page 8, line 19) discloses a titanium alloy containing 20-80% by weight of aluminum. The original specification discloses a sintered target containing 50% by weight of aluminum and 50% by weight of titanium (page 19, lines 1-3). The original specification disclose a sintered target

containing 80% by weight of aluminum and 20% by weight of titanium (page 19, lines 16-18). Thus, a titanium-aluminum alloy containing 20-50% by weight of titanium and 80-50% by weight of aluminum is supported in the original specification.

Claims 21, 23, 30 and 32-38 depend from claims 20 and 22. Therefore, this rejection should be respectfully withdrawn.

In addition, we explain that “a sintered target” is disclosed in the specification because the Office Action is questioning where it is disclosed as follows:

“You apparently have a specific location where you feel the specification states ‘a sintered target’. Tell me where that is. Don’t hide the ball.” (Page 4, Lines 1-2 of the Office Action).

We wish to point out that “a sintered target” can be located, for example, in Page 17, Line 25, in Page 19, Lines 2 and 17, in Page 20, Line 7-8, and in Page 21, Line 9 in the specification.

### **Re-instatement of Rejection Under 35 U.S.C. § 103**

This Amendment does not cause the re-instatement of the rejection involving Käumle. Even after this Amendment, the remarks from Page 8, Line 1 to Page 9, Line 22 of the previous Amendment dated October 23, 2003 shall be basically applied.

### **Conclusion**

All rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

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